

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

INDIANAPOLIS CAR EXCHANGE, INC.,)
)
 Plaintiff,)
)
)
v.) No. 13 C 1586
)
CAR SOURCE USA, INC., et al.,)
)
)
 Defendants.)

MEMORANDUM ORDER

Indianapolis Car Exchange, Inc. ("ICE") has recently filed this suit on a note and guaranty, invoking federal jurisdiction on diversity of citizenship grounds. This Court is concurrently issuing its customary initial scheduling order, but this memorandum order is occasioned by ICE's need to elaborate on its jurisdictional allegations.

Complaint ¶¶1 and 2 properly set out the dual citizenship of each of the two corporate parties to the litigation, but Complaint ¶¶3 and 4 refer to the "principal residence" rather than the state of citizenship of each of the two individual defendants. Under those circumstances our Court of Appeals has said more than once that "when the parties allege residence but not citizenship, the district court must dismiss the suit" (see, e.g., Adams v. Catrambone, 359 F.3d 858, 861 n.3 (7th Cir. 2004)).

Because this Court has always been loath to impose on litigants the burden of having to file a second lawsuit and pay a

second \$350 filing fee when the norm for most people is that their residences coincide with their states of citizenship, it typically does not follow that stringent directive. Instead counsel for ICE is ordered to file an appropriate amendment to Complaint ¶¶3 and 4 specifying the states of citizenship of the two individual defendants. If no such amendment were to be filed on or before March 27, 2013, however, this Court would be constrained to dismiss this action (without prejudice, of course) because of ICE's failure to establish the existence of federal jurisdiction.



Milton I. Shadur
Senior United States District Judge

Date: March 14, 2013